IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11941 of 1994

Between:

P.V.Kutumba Rao, S/o. Nagayya.
Narsingi, Rajendranagar Mandal,
R.R.District.

..... PETITIONER

AND

1. The Asst. Director, Survey and Land Records,
   Ranga Reddy District.
2. Smt.D.Mani. W/o. Krishna.
   2-2-1137/5/7, New Nallakunta,
   Hyderabad – 500 044.
3. Smt.Gnane, W/o. Venu Gopal.
   Plot.No.204, Ashraya Apartments, 7-1-34, Syam Karan Road,
   Ameerpet, Hyderabad – 500 016.
4 Smt. K. Jyoti, W/o. Pasha.
   r/o 9-1-363/4/A, Langar House,
   Hyderabad – 500 008.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction particularly one in the nature of Writ of Mandamus declaring the notice of the 1st respondent, dated 06/06/1994 as wholly illegal and arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondent No.1: G.P. for Revenue.

Counsel for the Respondent Nos.2 to 4: MR.G.RAMAKRISHNAIAH

The Court made the following:

ORDER:

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Heard the learned counsel for the petitioner and also the learned Government Pleader.

The petitioner herein, who claims to be the owner of the land in S.Nos.372, 375, 376, 377, 378 and 380 of Manchirevula village filed this Writ Petition, *inter alia*, challenging the impugned notice dated 06.06.1994 issued by the first respondent herein in fixing the survey of the land on 24.06.1994 and asking the petitioner to attend the same on that day.

The case of the petitioner is that the survey is being done at the instance of the respondents 2 to 4 herein and it is only on his application, the present enquiry is being done and whereas having regarding to the earlier second round of litigation, which was concluded in favour of the petitioner, it is not open for the contesting respondents to invoke Survey and Boundaries and once again restart the entire litigation. It is also further pointed out that the civil suit filed by the parties which has come up to this court in S.A.No.117 of 1984 dated 06.11.1987 and in the appeal, the claim of the contesting respondents also stood rejected. Therefore, there is absolutely neither decision nor any merit in the application filed by the respondents.

Having considered the submissions and also after having perused the material on record, there is no dispute with regard to the fact that earlier there is civil litigation between the parties and the petitioner's rights have been affected, to which the contesting respondents are also parties and it is only subsequent to the finalization of the suit dispute, the present application has been filed for making the survey. Apparently, the said application is filed with a view to restart the entire litigation between the parties and keep on allowing the dispute pending without any merits.

In view of the same, the impugned notice is set aside and accordingly, the Writ Petition is allowed. No costs.

22-07-2004

Glv/KA

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday the Twenty second day of July Two thousand and Four.

ASSISTANT REGISTRAR

To

1. The Asst. Director, Survey and Land Records,
   Ranga Reddy District.
2. Two C.Cs to The Government Pleader for Revenue, High Court Buildings, Hyderabad.(O.U.T)

3. Two CD copies.